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In re Application of SATO et al
U.S. Application No.: 10/019,568
Int. Application No.: PCT/JP00/04362
Int. Filing Date: 30 June 2000
Priority Date: 30 June 1999
Attorney Docket No.: 216127US0PCT
For: METHOD FOR SCREENING TARGETING
DDS PREPARATION

DECISION

This is in response to the "Petition Under 37 CFR 1.182" filed 09 October 2002.

BACKGROUND

On 30 June 2000, applicant filed international application PCT/JP00/04362, which claimed priority of an earlier Japan application filed 30 June 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 11 January 2001. A Demand for international preliminary examination, in which the United States was elected, was filed on 30 November 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 31 December 2001 (30 December 2001 was a Sunday).

On 31 December 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 18 March 2002, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 18 June 2002, applicant filed an executed declaration along with a statement which states that the given name of the eighth listed inventor is different from that indicated in the international application.

On 26 July 2002, this Office mailed a communication which stated that a petition under 37 CFR 1.182 should be filed to resolve a discrepancy in the eighth inventor's name.

On 09 October 2002, applicant filed the present petition along with the appropriate petition fee.

DISCUSSION

A review of the application file reveals that the given name of the eighth inventor is listed in the international application as "Masao" while the given name is listed in the declaration as "Yukio". The present petition is accompanied by a statement from Yukiko Tao, the person with apparent firsthand knowledge of the error. This statement sets forth the specific circumstances as to how and when the error was made and discovered and sets forth that the mistake was an inadvertent error without deceptive intent. Applicant has also provided a statement from the inventor. Applicant's explanation for the discrepancy is accepted.

It is further noted that the surname of the seventh inventor is listed in the international application as "Yugiyama" while the surname is listed in the declaration as "Sugiyama". The petition states that the mistake was due to a typographical error. Applicant's explanation for the discrepancy is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date of 30 June 2000 and a date under 35 U.S.C. 371(c) of 18 June 2002.

The application is being forwarded to the DO/EO/US for processing in accordance with this decision.



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